

it be regulated by law, the amendment which declares that Congress shall make no law to abridge the freedom of the press, which freedom however may be regulated by law, is the grossest absurdity, that ever was conceived by the human mind.

That by the words "freedom of the press" is meant a total exemption of the press from legislative control, will further appear, from the following cases, in which it is manifest, that the word freedom is used with this signification and no other.

It is obvious in itself, and it is admitted by all men, that freedom of speech, means the power uncontrolled by law, of speaking either truth or falsehood at the discretion of the individual, provided no other individual be injured. This power is, *as yet*, in its full extent in the United States. A man may say every thing which his passion can suggest, he may employ all his time and all his talents, if he is wicked enough to do so, in *speaking* against the government matters that are false, scandalous, and malicious, but he is admitted by the majority of Congress to be sheltered by the article in question, which forbids a law abridging the freedom of speech. If then freedom of speech means, in the construction of the constitution, the

the privilege of speaking *any thing* without control, the words freedom of the press, which form a part of the same sentence, mean the privilege of printing *any thing* without control.

Happily for mankind, the word "freedom" begins now to be applied to religion also. In the United States it is applied in its fullest force, and religious freedom is completely understood to mean the power uncontrolled by law of professing and publishing any opinions on religious topics, which any individual may choose to profess or publish, and of supporting those opinions by any statements he may think proper to make. The fool may not only say in his heart, there is no God, but he may announce if he pleases his atheism to the world. He may endeavor to corrupt mankind, not only by opinions that are erroneous, but by facts which are false. Still however he will be safe, because he lives in a country where religious freedom is established. If then freedom of religion, will not permit a man to be punished, for publishing any opinions on religious topics, and supporting those opinions by false facts, surely freedom of the press, which is the medium of all publications, will not permit a man to be punished, for publishing any opinion on

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An Essay on the Liberty of the Press by George Hay (1799)

An influential book which argued in legal terms the need for freeing the press from any outside influence. In 1798 a "Sedition Act" was designed to silence derogatory criticism of the Government and of Public Officials. It was vigorously enforced and several editors were imprisoned or ruined by heavy fines. One of the best protests to the "Sedition Act" was written by George Hay an attorney, who was later appointed as an U. S. attorney by President Thomas Jefferson. Hay stated that freedom of the press means the exemption of the press from legislative control.